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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.: 8:23-cv-00867-FWS-KES

Date: June 21, 2023

Title: Danil Chvanov v. Iana Chvanova

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Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Melissa H. Kunig  
Deputy Clerk

N/A  
Court Reporter

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

**PROCEEDINGS: ORDER TO SHOW CAUSE**

Before the court is pro se Petitioner Danil Chvanov’s (“Petitioner”) “Emergency Petition,” entitled “Verified Petition for Securing the Return of the Child to His Country of Habitual Residence Mexico, Pursuant to the Hague Convention on the Civil Aspects of International Child Abduction.” (Dkt. 1 (“Petition”).) Petitioner initiated this matter under the Hague Convention on the Civil Aspects of International Child Abduction (“Hague Convention”)<sup>1</sup> and the United States’ implementing statutes, the International Child Abduction Remedies Act (“ICARA”), 22 U.S.C. § 9001 *et seq.* (*See generally id.*)

On May 19, 2023, the court ordered Petitioner to serve Respondent Iana Chvanova (“Respondent”) with the Petition, Summons, and the court’s May 19, 2023, Order by June 5, 2023, and file an accompanying Proof of Service within four days of the date of service. (Dkt. 6 at 3.) On May 30, 2023, Petitioner filed two Declarations from “registered process server,” Paul Lammers. (Dkt. 8 (“First Declaration”); Dkt. 9 (“Second Declaration”).) The First Declaration stated:

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<sup>1</sup> Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11670, 1343 U.N.T.S. 89 (*effective* July 1, 1988).

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- 05/24/2023 at 9:36P.M. Met with Arthur Kuznetcov and received documents to serve. At that time, I called Iana Chvanova and left voice-mail stating that I had a Lego Box to deliver and would she please call for appointment to deliver package. I did not receive a call back this day.
- 05/25/2023 at 5:30P.M. I received a call from Iana Chvanova. She stated that she would be out of state for 1 month and that I could Call Elana @ 949-317-7533 for delivery. I stated that I would have to check, as my instructions were to make personal delivery.
- 05/25/2023 at 7:25P.M. I arrived at 46 Oakcliff Dr., Laguna Niguel, CA 92677 to attempt service, as this is possible residence. No answer and no one appeared to be home.
- 05/25/2023 at 7:55 P.M. I arrive at 24026 Selva Rd.,#65, Dana Point, CA 92629. This is a possible address for Iana Chvanova. No Answer and no one appeared to be home.
- 05/25/2023 at 8:23P.M. I arrive at 46 Oakcliff Dr., Laguna Niguel, CA 92671 to, again, attempt service. No answer and no one appeared to be home. I believe that Iana Chvanova is out of the state at this time.

(First Declaration at 1.)

The Second Declaration states:

I am a Registered Process Server and was retained to Deliver a gift to the son, a box or Lego's.

- 05/25/2023 I contacted Iana Chvanov, who stated that she was out of the state for 1 month and that I could arrange to meet her friend.

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- 05/25 2023 @ 5:31. P.M. I received a text from 1-949-993-6853, Iana Chvanov with phone number 1-999-317-7533 for her friend Elana. I am to contact Elana to deliver the gift.
- 05/28/2023 @ 3:14 P.M. I received text with delivery address, 5000 City Lights Drive, Aliso Viejo, CA 92656.
- 05/28/2023 @ 7:39 P.M. I met with Elana at the entrance to the apartment building and delivered the box of Lego's.

(Second Declaration at 1.)

On June 7, 2023, the court found these declarations insufficient to discharge Petitioner's notice requirements and again ordered Petitioner to notify Respondent of these proceedings in accordance with 22 U.S.C. § 9003(c) by June 14, 2023, and file an accompanying Proof of Service within two days of effectuating service.

On June 16, 2023, Artur Kuznetsov, a "representative of Daniel Chvanov by proxy in the United States," filed a declaration stating he called Respondent on her cell phone and asked her if she was "comfortable receiving court documents by sms message." (Dkt. 14.) Mr. Kuznetsov also filed a document titled "Cell Phone Screen Shots," purportedly demonstrating that he sent Respondent the court's previous orders via text message.<sup>2</sup> (Dkt. 16.)

The court finds Petitioner still has not satisfied ICARA's notice requirements because ICARA does not authorize service by text message and the court has not approved any alternative service. *See* 22 U.S.C. § 9003(c) ("Notice of an [ICARA action] shall be given in accordance with the applicable law governing notice in interstate child custody proceedings."); 28 U.S.C. § 1738A(e) ("Before a child custody or visitation determination is made, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental

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<sup>2</sup> The text messages provided to the court are not written in English, and it is not possible to discern from the screenshots which documents were sent via text message.

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rights have not been previously terminated and any person who has physical custody of a child.”); *Ebanks v. Ebanks*, 2007 WL 2591196, \*3 (S.D.N.Y. Sept. 6, 2007) (“ICARA . . . provides the method for service in Hague Convention proceedings: in accordance with the applicable law governing notice in interstate child custody proceedings. Therefore, Petitioner needed to serve his petition papers upon Respondent in accordance with [state] law.”) (internal quotation marks and citation omitted). The court reiterates that Petitioner must notify Respondent of these proceedings in accordance with 22 U.S.C. § 9003(c) and California law governing service or process. *See* 22 U.S.C. § 9003(c); Cal. Fam. Code § 3408.

Accordingly, Petitioner is **ORDERED TO SHOW CAUSE** in writing no later than **July 12, 2023**, why this cause should not be dismissed for failure to prosecute and comply with court orders. Petitioner may also discharge the Order to Show Cause by serving Respondent in accordance with 22 U.S.C. § 9003(c) and California law governing service and filing adequate proof of service by **July 12, 2023**.

Failure to timely and adequately comply with the court’s orders may result in dismissal of this action. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962) (“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted.”); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 693, 699 (9th Cir. 2005) (“[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.”); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984) (“It is within the inherent power of the court to sua sponte dismiss a case for lack of prosecution.”).

The court also advises Petitioner that pro se parties must comply with all court orders, the Central District of California’s Local Rules,<sup>3</sup> and the Federal Rules of Civil Procedure.<sup>4</sup> *See*

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<sup>3</sup> The Local Rules are available at <http://www.cacd.uscourts.gov/court-procedures/local-rules>.

<sup>4</sup> The Court may not provide legal advice to any party, including pro se litigants. Plaintiffs are advised that the Federal Pro Se Clinic offers free information and guidance to individuals representing themselves in federal civil actions. The Santa Ana Clinic operates by appointment

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L. R. 83-2.2.3. Non-compliance with court orders may result in the imposition of sanctions. *See* L. R. 83-2.2.4; *see also* Fed. R. Civ. P. 41(b) (in general), 37(b) (in discovery).

Finally, Petitioner filed a declaration requesting that the court delay the proceedings until July so he can obtain both an attorney and the requisite visa to appear in person at the hearing. (Dkt. 15.) Accordingly, the court also **CONTINUES** the in-person status conference hearing in this matter from June 23, 2023, to **July 21, 2023, at 10:00 a.m.**, at the Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Santa Ana, California, Courtroom 10D.

**IT IS SO ORDERED.**

Initials of Deputy Clerk: mku

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only. You may schedule an appointment either by calling the Clinic or by using an internet portal. You can call the Clinic at 714-541-1010, ext. 222, or you can submit an internet request at: <https://prose.cacd.uscourts.gov/santa-ana> or <http://www.publiccounsel.org>. Clinic staff can respond to many questions with a telephonic appointment or through your email account.